

ITEM 9-B

PLANNING BOARD STAFF REPORT

DATE: March 28, 2011

TO: HONORABLE PRESIDENT AND MEMBERS OF THE
PLANNING BOARD

FROM: Brian Stanke, Permit Center Planner
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APPLICATION: **Use Permit – PLN11-0034 – 1509 Webster Street**
Review of Use Permit for a proposed beauty salon
within the Webster Street Community Commercial
zoning district.

APPLICANT: **Ling & Eddie Siu**

ZONING DISTRICT: C-C, Community Commercial Zoning District

GENERAL PLAN: Community Commercial

ACRONYMS: AMC – Alameda Municipal Code
C-C - Community Commercial District
R-4 – Neighborhood Residential Zoning District

EXECUTIVE SUMMARY

The applicant is requesting a use permit for a proposed beauty salon within an existing 1,250 square foot commercial space located at 1509 Webster Street. The proposed business would include approximately 6 stations. Hairstyling and beauty salons located in the Webster Street C-C district require a use permit per AMC 30-4.9A (c)(1)(v). No extended hours of operation are proposed.

BACKGROUND

The proposed Beauty Salon would be located within a 1,250 square foot commercial space that formerly housed the “Almost Home” antique store. The store is currently vacant.

On February 07, 2011 the Applicant submitted a Use Permit application at the project site. The application was found complete on February 15, 2011 and scheduled for the March 15th Zoning Administrator hearing. During the Public comment period staff received four phone calls expressing concern or opposition to the proposed Beauty Salon. Just before the hearing Louise Vigna, an Alameda resident, delivered a petition with the signatures of 48 business owners, workers, and residents along Webster Street opposed to the project (Attachment 6). At the hearing several residents and business people spoke against the proposed beauty salon and called for a moratorium on new beauty salons along Webster Street. Their concerns included the possibility that new Beauty salons would put existing salons out of business, the lack of other businesses and services in the Webster Street district, and the possibility that the salons could be fronts for prostitution. The Zoning Administrator found that the project was a matter of general public concern and that a question of city policy was being raised by those opposed to the project. Therefore the Zoning Administrator referred the application to the March 28th Planning Board meeting per AMC Section 30-21.4 - Administrative Use Permit.

- a. Approval by Zoning Administrator. An application for a Use Permit may be approved by the Zoning Administrator where the Administrator determines that the criteria of subsection 30-21.3b have been met and the application does not pose any special problems or require a change in conditions of approval. The Zoning Administrator may make approval conditional and may refer applications to the Planning Board.

STAFF ANALYSIS

The proposed Use Permit would permit the applicants, Ling Siu and Eddie Siu, to relocate there existing beauty Salon business from the Oakland's Chinatown to Webster Street. The Sius have run their beauty salon at its current location, for over ten years and has an established clientele.

The main objection in the petition against approval of the project and the other proposed Use Permit is that there are already too many beauty salons, nail salons, and barber shops on Webster Street. Opponents of the proposal believe that the proposed salon will have a negative effect on the business district and that the number of the salons allowed should be limited by the City.

To approve the Use Permit the Planning Board must make four findings (described below under "Findings"), the third of which is that the proposed use, "will not adversely affect other property in the vicinity and will not have deleterious effects on existing business districts or the local economy."

Staff does not believe that the proposed salon will adversely affect other property in the vicinity and that the salon will not have a deleterious effect on the existing business district or the local economy for the following reasons:

1. The Webster Street Commercial District currently has approximately 14 vacant commercial spaces. Multiple empty storefronts do have a

deleterious effect on a business district. Empty store fronts send a message to prospective shoppers that this is a district or a shopping area in distress. Vacant store fronts make a shopping district a less attractive place for customers to walk, “window shop”, and explore. Vacant store fronts reduce the number of people visiting the shopping area and patronizing existing stores. From staff’s perspective, filling vacant storefronts is essential to maintaining the vitality of a business district.

2. The proposed salon is an established local business currently located in Marina Village with an existing customer base. That customer base represents new potential customers for existing Webster street businesses and restaurants.

Many in the district are concerned about an “over concentration” of nail salons on Webster Street that will result in negative consequences for the business district. Some are arguing for a quota system that would establish a numeric cap on the number of nail salons on Webster Street. Staff does not recommend a quota system for several reasons:

1. A quota system prohibits the community and the business associations from even considering a new salon or barber proposal. If the quota is filled, and a very special, high quality, excellent salon proposal is submitted to City staff, City staff will be forced to recommend that that applicant look elsewhere, such as Park Street, Marina Village, Oakland or San Leandro. Under a quota system, an applicant would not even have the opportunity for a public hearing before the Planning Board and the community.
2. Once filled, a quota system ensures that over all quality of the services provided can not be improved by the introduction of a new, higher quality service. A quota system preserves the existing businesses currently in place. This is good for the current business, but it does not allow for competition from a new business that might provide a higher quality service for the community. A quota system essentially limits competition and customer choices.

For these reasons, staff is in support of the proposed salon and staff does not recommend that the City establish a quota system for such uses.

FINDINGS

- 1. The location of the proposed use is compatible with other land uses in the general neighborhood area, and the project design and size is architecturally, aesthetically, and operationally harmonious with the community and surrounding development.**

The proposed beauty salon use, as conditioned, will occupy an existing 1,250 square foot commercial space. The proposed space is on a commercially zoned (C-C) parcel facing Webster Street. The properties to the north, south, and east are zoned C-C as well. The properties to the

west are zoned R-4. The customer entrance will be on Webster Street with an existing loading door to a parking lot at the rear of the building. The no alterations are proposed to the storefront along the Webster Street. The area has several similar uses with two other hair salons located on the same block of Webster Street. Several commercial spaces on the block are currently vacant.

2. The proposed use will be served by adequate transportation and service facilities, including pedestrian, bicycle and transit facilities.

The proposed site is along the Webster Street commercial corridor. The General Plan designates Webster Street as a Primary Transit street and it has seven bus lines providing both local, trans-bay, and night service. Webster Street is also classified as a Commercial Main street supporting pedestrian-oriented retail. The previous tenant was an antique store. The location has one dedicated parking space at the rear of the property.

3. The proposed use, if it complies with all conditions upon which approval is made contingent, will not adversely affect other property in the vicinity and will not have deleterious effects on existing business districts or the local economy.

The proposed use, as conditioned, will be a small customer service use that fits within the pedestrian oriented commercial uses that make up the Webster Street district. It is an established business in Oakland, with an existing client base, that will be moving to Alameda. The 1,250 square foot space was previously an antique store. Two other hair salons and a barbershop are located on the same block. A fourth, Alameda Hair Salon, is closed. The project site is currently vacant and there are several other vacant commercial spaces on the block.

4. The proposed use relates favorably to the General Plan.

The Community Commercial designation includes uses such as, “include small retail stores, department stores, motels, automobile sales and service, and offices, depending on location.” The proposed beauty salon will provide a small service store, consistent with the General Plan designation for the Webster Street corridor and guiding policies 2.5.b and 2.5.d (Attachment 7).

ENVIRONMENTAL REVIEW

Categorically Exempt from State CEQA Guidelines, CEQA Guidelines Section 15301 – Existing Facilities, for a service business within an existing commercial space.

PUBLIC NOTICE

A notice for this hearing was mailed to property owners and residents within **300** feet of the site, published in local newspapers and posted in public areas near the subject property. Staff has received five phone calls regarding the proposed project as of March 21, 2011. Leann, the owner of Leann's Nails, protests new competition to existing long-time businesses. Jeanine Van First is opposed to more nail salons and would prefer to see a different use of the property, such as a bakery. Mustafa, the owner of Webster Optical, wished to express concern regarding if the new salon would attract additional business to the area or drive other salons out of business. A fourth caller wished to deliver her comments in person at the public hearing. The Director of Operations of the Western Alameda Business Association (WABA) informed planning staff that the proposed business was endorsed by WABA's Economic Redevelopment Committee.

RECOMMENDATION

Find that the project, as conditioned, will not cause significant adverse effects to the physical environment, is Categorically Exempt from environmental review and approve the project.

RESPECTFULLY SUBMITTED BY:

REVIEWED BY:

BRIAN STANKE
PERMIT CENTER PLANNER

ANDREW THOMAS
PLANNING SERVICES MANAGER

Attachment(s):

1. Resolution
2. Public Notice Map
3. Site Plan of project
4. Photographs
5. C-C Zoning District use regulations
6. Petition against project and cover letter by Louise Vigna
7. General Plan page 2-15